

**REMARKS/ARGUMENTS**

The Office Action of April 11, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Applicants confirm election of species 1, claims 1-5 and 12-17, and that upon allowance of a generic claim, applicant is entitled to examination of other species within the generic claim.

Claim 5 has been amended to clarify the claim as requested. Claims 9, 12, and 15-17 have also been amended for clarification.

Claim 1, as amended, is directed to a backrest for a chair comprising frame elements arranged in pairs at right and left sides, a flexible support member that bridges the frame elements to support a load of a body of a seated person and an adjust mechanism that can change a bent degree of the support member in multiple states and that can maintain the state against the load of the seated person. The adjust mechanism is an engaging structure between a pin mounted on either one of the support member and the frame element and at least one engaging hole formed on the other of the support member and the frame element, and an engaging portion, wherein the position the pin engages the engaging hole can be varied. Claim 5 recites that an engaging hole formed at the side of a frame element has a plurality of engaging edge portions. See Figs. 1-12

The present invention can change the bent degree of the support member by changing the position in the frame element at which the end portion of the support member is held. For instance, the bent degree in a rearward direction of the support member can be varied by operating the pin to engage with the desired engaging edge portions. Therefore, the length of the support member does not need to be changed as disclosed in the prior art, allowing the structure of the support member to be simple and flat. Thus, a backrest with a smooth finished surface can be obtained when the support member is covered by an upholstery member. Moreover, simple handle for operation by the user can be used with the pin protruding from the upholstery member.

Claims 1-5 and 12 stand rejected under 35 USC 102(e) as being anticipated by Lee (6,799,803).

Lee is directed to an adjustable four plate assembly that is used on chair. Note Figure 2 where plate assembly 10 is attached to the underside of an armrest. Thus, the four plate assembly is not attached to frame members. Further Lee does not teach a flexible support member that bridges the frame elements wherein the bent degree of the support member can be adjusted. Lee does not teach each and every element of the instant claims as required under 35 USC 102. Withdrawal of this rejection is requested.

Claims 1-4 and 12 stand rejected under 35 USC 102(b) as being anticipated by Falzon (6,254,186).

Falzon is directed to a chair having an adjustable lumbar support. The support includes an elongate flexible band having first and second ends attached to sides of the backrest. A drive member is connected to the band so as to tension the band and so decrease the extent to which the band curves rearwardly with respect to the ends thereof. The band may be connected through a spindle and rotation of the spindle will tension the band.

As discussed above, the instant claims provide a backrest with a smooth finished surface when the support member is covered by an upholstery member. This is in contrast to Falzon who utilizes a bulky, wavy shaped band, which can make the surface of the backrest uneven and thus uncomfortable. Moreover, the claimed invention provides a simple handle for operation by the user; with the pin protruding from the upholstery member.

Falzon does not teach or suggest that an adjust mechanism is an engaging structure between a pin mounted on either one of the support member and the frame element and at least one engaging hole formed on the other of the support member and the frame element and an engaging portion, wherein the position the pin engages the engaging hole can be varied.

Contrary to the position in the office action, threaded nut (27) is not a pin and housing part (23) is not an engaging hole in accordance with the instant claims. Instead, the threaded nut (27) is arranged in threaded engagement with the spindle (26) which rotates and housing part

(23) supports carriage (28). Thus Falzon cannot anticipate the instant claims. Withdrawal of this rejection is requested.

Claims 5 and 13-17 stand rejected under 35 USC 103(a) as being unpatentable over Falzon in view of Hattori.

Falzon does not teach the instant claims for the reasons identified above. Hattori does not remedy the defects of Falzon. Hattori is directed to a lumbar support structure including a cam means rotatably supported on a bracket to which one end of a torsion spring is pivoted. A lever actuates the cam mechanism. Hattori does not teach that an adjust mechanism is an engaging structure between a pin mounted on either one of the support member and the frame element and at least one engaging hole formed on the other of the support member and the frame element and an engaging portion, wherein the position the pin engages the engaging hole can be varied. Thus, even if Falzon and Hattori were properly combinable, one skilled in the art would not arrive at the instant claims. Withdrawal of this rejection is requested.

#### CONCLUSION


In view of the above amendments and remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance are requested. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 1, 2005

By:

  
Susan A. Wolffe  
Registration No. 33,568

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001  
SAW:cd